

DIST/OFFICE	DOCKET		FILING DATE			J	N/S	O	R	R 23	DEMAND		JUDGE NUMBER	JURY DEM.	YR.	DOCKET NUMBER	
	YR.	NUMBER	MO.	DAY	YEAR						\$	OTHER					
1085/4	75	0446	09	25	75	3	440	1				injunctive	8509	P		75	0446-B

PLAINTIFFS

DEFENDANTS

EDDIE L. JOHNSON, ET AL.  
(approximately 60 pltfs.)

*See last  
page*

RICHARD WARD, JACK FREEMAN, THE  
STATE OF OKLAHOMA, ex rel Depart-  
ment of Public Highways, ~~FLOYD W.~~  
~~TAYLOR~~, THE CITY OF TULSA, and  
SOUTH PRAIRIE CONSTRUCTION CO.,  
a corporation.

## CAUSE

Suit to enjoin unlawful closing of Virgin St. in Tulsa based upon failure of  
notice & adequate remedy at law in Okla., damages - 42 USCA §§3610, 3612, 3617,  
1981, 1982 and 1983, and Equal Protection clause and due process provision  
of U. S. Constitution.

## ATTORNEYS

Frank R. Hickman  
1419 South Denver  
Tulsa 74119  
582-9773

*dim - used*  
Paul Duncan *(for Floyd W. Taylor)*  
Asst. Atty. General  
State Capitol Bldg.,  
Ok. City, Ok. 73105 (405/521-3921)  
James E. Bishop  
Jack R. Givens  
Suite 400, 201 W. 5th St.  
Tulsa, Okla. 74103  
583-1115  
(South Prairie Const. Co.)

Alan L. Jackere (City of Tulsa)  
Assistant City Attorney  
Waldo F. Bales, City Attorney  
200 Civic Center  
Tulsa, OK 74103  
581-5201

Floyd W. Taylor (Ward, Freeman & St. of OK,  
State of Oklahoma ex rel Dept. of  
Department of Highways Highways)  
Jim Thorpe Office Bldg.  
200 N.E. 21st Street  
Oklahoma City, OK 73105

<input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
				JS-5	10-1-75
				JS-6	10-1-76

DATE	NR.	PROCEEDINGS
9-25-75	1.	Complaint, filed. Summons issued. rm
10-3-75		USM Service, returned and filed. Executed by serving Mayor Robert J. LaFortune at City Hall, Tulsa, on 9-29-75; served So. Prairie Const. Co. by Corp. Co., Okla. City on 9-26-75; served Dept. of Public Highways, Tulsa, on 10-2-75; served Richard Ward, Okla. City, on 9-26-75; served State of Oklahoma, ex rel Dept. of Public Highways by serving Richard Ward as its director, Okla. City, on 9-26-75. (USM \$24.48)lm
10-10-75	2	Motion of deft. FloydW. Taylor for summary judgment, filed. g
10-10-75	3	Affidavit of Floyd W. Taylor in support of mot. for S/J, filed. g
10-10-75	4	Suppl. Affd. of Floyd W. Taylor in support of mot. for S/J, giled. g
10-10-75	5	Brief in support of Taylor's mot. for S/J, filed. g
10-10-75	MO	Pltf. granted 10 days to file responsive brief to deft. Taylor's mot. for S/J. (AEB-J)g
10-15-75	6.	Motion for Enlargement of Time of the Defts State of Okla. ex rel. Department of Highways & Richard Ward & Jack Freeman of 20 days to answer filed. mm
10-15-75	7.	Pltfs' response to deft. Taylor's motion for S/J, filed. hm
10-15-75	8.	South Mtn. of Deft.,/Prairie Const. Co., for Enlargement of Time to Ans. or Plead, filed. O to J jj
10-17-75	9.	Order, filed, granting deft. South Prairie Const. Co. time til 11-16-75 to ans. (AEB-J)k cps mld
10-17-75	10.	Deft. City of Tulsa's Motion to Strike reference to Title 42 USC Sections 3610, 3612 & 3617 in paragraph III of pltf's compl., filed.k
10-17-75	11.	Deft. City of Tulsa's brief in support of motion to strike, filed.k
10-17-75	12.	Deft. City of Tulsa's Motion to Dismiss -- Res Judicata, filed.k
10-17-75	13.	Deft. City of Tulsa's brief in support of motion to dismiss -- res judicata, filed.k
10-17-75	14.	Deft. City of Tulsa's Motion to dismiss under 42 USC 1982, filed.k
10-17-75	15.	Deft. City of Tulsa's brief in support of motion to dismiss under 42 USC 1982, filed.k
10-17-75	16.	Deft. City of Tulsa's Motion to dismiss under 42 USC 1981 & 1983, filed.k
10-17-75	17.	Deft. City of Tulsa's brief in support of motion to dismiss under 42 USC 1981 & 1983, filed.k
10-20-75	MO	It is ordered by the Court that the plaintiff is granted 10 days from this date to respond to deft. City of Tulsa's Motions to strike, to dismiss -- res judicata, to dismiss under 42 USC 1982, and to dismiss under 42 USC 1981 & 1983. (AEB-J)k cps mld
10-21	18.	Order, filed, granting defts. State of Ok. ex rel Dept. of Highways, Richard Ward and Jack Freeman until 11-5-75 to file answer. (AEB-J)g
10-24	MO	Case referred to Magistrate Bradford for F&R re pending motions. (AEB-J)k
10-29	19.	Plaintiffs' appl. for time til 12-15-75 to respond to Motion to Dismiss filed by Deft. City of Tulsa, & such other motions as may be filed in interim, filed.k
11-3	20	Order, filed, granting pltfs. until 12-3-75 to file response to mot. of City of Tulsa to dismiss. (AEB-J)g cpies mld.

(CONTINUED)

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
11-5-75	MO:	Ordered by the Court that Defts' Richard Ward, Jack Freeman, St. of Okla., ex rel, Dept. of Highways are hereby granted 1 day within which to plead or answer.(AEB-J)b	
11-6	21.	Order, filed & entered, that Deft. Floyd Taylor's Motion for S/J is sustained on one ground only and that is on the ground of immunity. Further ordered that this order not be construed as dispositive of the other issues raised on the mot. for S/J. It is, therefore, ordered that Deft. Floyd W. Taylor be dismissed as a party defendant to the present litigation. (AEB-J)k cps mld	
11-6	22.	Motion of Floyd W. Taylor for special admission to Bar of this Court solely for the purposes of this case, w/ Order allowing admission, filed. (AEB-J)k cps mld	
11-6	23.	Defts. Ward, Freeman & State of Okla., ex rel. Department of Highways' Motion to strike reference to Title 42 USC 3610, 3612 and 3617, filed.k	
11-6	24.	Deft. Jack Freeman's Motion to Dismiss, filed.k	
11-6	25.	Deft. Richard Ward's Motion to Dismiss, filed.k	
11-6	26.	Deft. Jack Freeman's Motion for S/J, filed.k	
11-6	27.	Deft. Richard Ward's Motion for S/J, filed.k	
11-6	28.	Deft. State of Oklahoma, ex rel. Dept. of Highways' Motion to Dismiss, filed.k	
11-6	29.	Defts. Ward, Freeman & State of Okla., ex rel. Dept. of Highways' memorandum brief in support of various motions, filed.k	
11-6	MO	It is ordered by the Court that the Plaintiffs are hereby granted ten (10) days to respond to Defts. Ward, Freeman & St. of Okla., ex rel. Dept. of Highways' motions to strike, to dismiss and for S/J. (AEB-J)k cps mld	
11-13	30.	Deft. South Prairie Construction Company Motion for S/J, filed. lm	
11-13	31.	Affi. of Carl W. Foster in support of motion for S/J, filed. lm	
11-13	32.	Affi. of Donald E. Osgood in support of motion for S/J, filed. lm	
11-13	33.	Memorandum Brief in Support of Motion for S/J, filed. lm	
11-13	MO	The Court, having heretofore granted, by Order of 11-3-75, Pltf's application for time until 12-3-75 to respond to all motions, hereby orders that the minute order entered 11-6-75 directing Pltf. to respond to the Mots. to strike, to dismiss, and for S/J filed by Defts. Ward, Freeman & State of Okla., ex rel. Dept. of Highways be stricken. (AEB-J)k cps mld	
11-21	MO	Case set for hrg. before Mag Bradford re pending mots. on 12-10-75 at 3:30 p.m. (MLB-Mag)k	
12-2	34.	Pltfs. response to all mots. of defts., filed. tc	
12-9	35.	Deft. South Prairie Construction Co.'s reply to Pltfs.' Response to all mots. of Defts., filed. v	

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>75-C-446</u> Sheet 2, Page 4 <del>PAGE XXXXX</del>
Eddie L. Johnson, et al.		Richard Ward, et al.	
DATE	NR.	PROCEEDINGS	
12-10	36.	Reply brief of Deft. City of Tulsa, OK, in support of mots. to dismiss, filed. v	
12-10	37.	State Defts.' reply to Pltfs.' "Response" to all mots. of Defts., fld. v Parties represented.	
12-10	MO	Case called for hrg. before Mag. re pending mots./ Mag. recommends Deft. City of Tulsa's mots. to dismiss--res judicata, under 42 USC 1982 & under 42 USC 1981 be sustained, & mot. to strike moot. Further that defts. Ward, Freeman & Dept. of Highways' motion to strike reference to T 42 USC 3610, 3612 & 3617 be sustained; & Defts. Freeman & Ward's mots. to dismiss be sustained; Defts. Freeman & Ward's mots. for S/J moot; Deft. Highway's mot. to dismiss be sustained; and Deft. South Prairie Construction Co.'s mot. for S/J be sustained. Imogene Harris to prepare F&R and proposed order on mots. of Deft. City of Tulsa w/in 5 days; Floyd Taylor to prepare F&R and proposed order on mots. of Defts. Ward, Freeman & Highway Dept. w/in 5 days; and Jack R. Givens to prepare F&R and proposed Order on mot. of deft. South Prairie w/in 5 days. (MLB-Mag)k	
12-16	38.	Findings and Recommendations of the Magistrate re Deft. City of Tulsa, filed.k	
12-16	39	Findings and Recommendations of the Magistrate re Defts. Freeman, Ward, and Dept. of Highways, filed.k	
12-16	40	Findings and Recommendations of the Magistrate re Deft. South Prairie, filed.k	
12-23	41.	Objection to the Magistrate's Findings & Recommendations, filed by Plaintiffs. v	
12-31	42.	Defts, Motion to Strike the Pltf's Obj. to the Mag's. Findings & Recomm., filed.tc	
12-31	43.	Brief in Support of Motion to Strike, filed.tc	
12-31	MO:	It is ordered by the Court that Pltf, is granted 10 days from this date to respond to Defts Motion to Strike the Pltf's. Obj. to the Mag. F/R.(AEB-J)tc cps mld	
1976			
1-5	44	Deft's Mot. to Strike w/Bf. in Support as Exhibit "A", filed.tc	
1-6	MO	It is ord. by the Ct. that Pltf is granted 10 days from this date to respond to Deft's City of Tulsa, Mot. to Strike Pltf's. Obj. to the Mag's. F/R.(AEB-J)tc cps. mld.	
1-12	45.	Pltfs' response to defts. motions, filed. ph	
1-12	46.	Deft. South Prairie Construction Co. Mot. to Strike Pltf's. Obj. to the Magistrate's F/R, filed.tc	
1-13	MO.	It is ordered by the Ct. that Pltf, is granted 10 days from this date to respond to Defts. Mot. to Strike Pltf's Obj. to the Mag.'s F/R.(AEB-J)tc cps. mld. (South Prairie Const. Co.)	
1-19	47.	Pltfs' response to motion to strike of South Prairie Const. Co., filed. ph	
1-21	48	Reply to pltfs' response to motion to strike, filed. g	
9-15	49.	Order, filed & entered, adopting & affirming Mag. F&R. Ordered that mot. to dismiss is sustained as to defts. Ward, Freeman & State of Okla. ex rel Dept. of Public Highways, & cause of action & compl. are dismissed as to said defts. Further, that deft. Prarie Construction Co's mot. for S/J is sustained. Further that pltf's objections to Mag. F&R are overruled. (AEB-J)k cps mld	

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. _____
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DATE  
1976

NR.

## PROCEEDINGS

9-17

50.

Order, filed & entered, adopting & affirming F&R of Magistrate. It is ordered that the mot. to dismiss filed by the City of Tulsa be sustained, and the cause of action & complaint be dismissed. (AEB-J)k  
cps mld

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
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DATE	NR.	PROCEEDINGS	
		<p style="text-align: center;"><b>PLAINTIFFS</b></p> <p>             EDDIE L. JOHNSON, MAYOLA HARRISON,              CHRISTINE DAVIS, REGINALD DeWITTY,              ANN LEE BRYANT, MILDRED L. KEMP,              C. A. MOORE, ELBERT JOHNSON, NAOMI              JOHNSON, WILLIE MAE TURNER, CHRIS              CLAYTON, DAN ROYAL, JR., R. L. GIST,              H.L. GIST, GEORGIA SHERMAN, BEAUFORD              KELLEY, PARALEE RYDER, LINDA WOODARD,              ROBERT JENKINS, JR., J. B. WRIGHT,              ROBERT FRAZIER, ROBERT S. MORGAN,              J.M. NORMAN, OSRENE JOHNSON, LOUIS              STEWART, BUNNIE JACKSON, HENRY              WALKER, RICHARD T. THOMPSON, A.L.              CRISP, BERNICE C. CRISP, L. T. KING,              ROMA JOHNSON, METHERINE GILBERT,              GODFREY GOFF, JOHNNIE DIZER, ROY L.              RAMSEY, BILLY R. CALAMEASE, JO              ROBINSON, W. L. GREGG, T. K. GREGG,              BENNY WINDED, JEANETTE JONES, A. C.              CADDY, MARGURITE CADDY, GEORGIA MIDGET,              W. D. SHELTON, LAURA M. SHELTON, LOIS              L. WILSON, DAISY FAULK, CALVIN CUDJOE,              CARRIE CUDJOE, ODESSA TERRELL, ALMA D.              GRANT, EARNEST GRANT, W. G. McCUISTON,              K. B. CARROLL, ELMORA CARROLL, SYBIL              B. CROWELL, HENRY W. CROWELL, FLORINE              JACKSON, ODIS B. JACKSON, EMMA STEARNS,              REV. E. D. MILLER, LOUVOID L. JOHNSON,              HERBERT JAMES MOSELY, FLORENCE JACKSON,              LEMEL CAMPER, PEARLINE LAYTON, SARAH              MAYSHAW, T. W. DARGAN, HERMAN FLARS,              ANDREW COZART, VELMA A. SHAMBRA, ALFRED              HILL, MARGARET J. HILL, PEARL SCALES,              CECIL A. NURSE, SMILEY ANDERSON, BOOKER              JACKSON, N. L. LEWIS, WARDELL JEFFRIES,              ALBERT R. CHESMORE, JACKIE ROBINSON,              YVONNE WRIGHT, R. H. TURNER, PASCAL              JOHNSON, DONALD M. WALKER, BARNES              McCUISTON, THOMAS P. BROWN, TILDEN WILSON,              SAM TAYLOR, PERRY L. JONES, R. M. CLARK,              GREG BYRD, DAVID RYDER, JESSE JONES,              HERB H. MORGAN, CHARLES D. HOLLOWAY,              REV. C. E. SMITH, LOUISE SMITH, FRELEN              HANLEY, ELIHUE SCOTT, CALDWELL JACKSON,              ELLA L. STEWART, PERCY PEOPLES, ROOSEVELT              KING, JAMES STOKES, BERTHA GOFF, WALTER              BROWN, BOB GAINES, JEAN WILLIAMS, TROJA              JEFFERSON, C. S. BROOKS, CLAXTON NAILS,              DR. CECILIA N. PALMER, CYNTHIA PALMER              and ALPHONZO WILLIAMS,           </p>	